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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,411	06/26/1999	CAROL CORPUS	CORPP101US	9031
7590 01/02/2004				
DEBORAH LIU AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST 9TH STREET CLEVELAND, OH 44114			EXAMINER CHEVALIER, ALICIA ANN	
			ART UNIT 1772	PAPER NUMBER

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Advisory Action	Application No. 09/344,411	Applicant(s) CORPUS ET AL.	
	Examiner Alicia Chevalier	Art Unit 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,2,5,7-15 and 17-39.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because:

1. Claims 1, 2, 5, 7-15 and 17-39 are pending in the application.
2. Applicant's arguments in the response of November 21, 2003 regarding the 35 U.S.C. 103 rejection over Griffin et al. (4,696,706) of record have been carefully considered but are deemed unpersuasive. Applicant's arguments regarding the limitations "the stack of said leaves being sized to conformably cover an entire exposed surface," have already been addressed in the final office action, paper #30 mailed August 21, 2003. Specifically, this limitation does not give any specifics on the size of the leaves or the size of the exposed surface. Also, "to conformably cover an entire exposed surface" is an intended use. It has been held that a recitation with respect to the manner in which a claimed product is intended to be employed does not differentiate the claimed product from a prior art product satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987). Applicant further argues that dispenser board of Griffin will not read on this limitation. Since Applicant never specifies the exposed surface or its size, any shape or surface will read on this limitation. Furthermore, since the surface is not specified Griffin's dispenser board is capable of conformably covering surfaces such as flat counters and black boards.
3. Applicant's arguments in the response of November 21, 2003 regarding the 35 U.S.C. 103 rejections over Griffin et al. (4,696,706) in view of Cleef et al. (2,248,317) and over Griffin et al. (4,696,706) in view of Cleef et al. (2,248,317) in further view of Bowskill et al. (4,795,669) of record have been carefully considered but are deemed unpersuasive. Applicant argues that Cleef and Bowskill do not cure the deficiencies of Griffin. The supposed deficiencies of Griffin have already been addressed above..

Sandra M. Nolan
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PRIMARY EXAMINER